

**Guidelines for the  
Development of  
Policies and Procedures  
for  
Managing  
Student Behaviors  
In Emergency  
Situations  
in Virginia Public Schools**

**Focusing on Physical Restraint and Seclusion**

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**Prepared by the Virginia Department of Education,  
Office of Special Education Instructional Services  
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## **Preface**

This document, *Guidelines for the Development of Policies and Procedures for Managing Student Behaviors in Emergency Situations*, is designed to provide assistance to school divisions<sup>1</sup> and public school programs in Virginia regarding the writing of policies and procedures for physical restraint and seclusion of students in emergency situations. This initiative, though spearheaded by the SSEAC, is pertinent to the management of all children's violent behavior in emergency situations in Virginia's public schools. The guidelines are intended to provide helpful and easily accessible information for those divisions that have a desire or need to review their policies, strengthen or modify current policies, or adopt new ones for managing student behaviors. These guidelines are informational and are neither mandated nor required. However, a school division may choose to use this information at its discretion in developing procedures that will help in situations involving the management of challenging student behaviors.<sup>2</sup>

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<sup>1</sup> The term "school division" as used herein refers to Virginia school divisions, charter schools, state operated programs, special education programs, and any alternative education setting under the auspices of a school division.

<sup>2</sup> The development or revision of local policies and procedures on physical restraint and seclusion should be reviewed with the school division's school board attorney.

## **Acknowledgements**

The Office of Special Education Instructional Services of the Virginia Department of Education expresses its appreciation to the State Special Education Advisory Committee (SSEAC) for its insight, collaboration, cooperation, and leadership in promoting this study on physical restraint and seclusion, and for promoting the development of guidelines to assist school divisions in handling emergency situations. A subcommittee of the SSEAC, whose composition is set forth in Appendix E, has been vital to the completion of the Guidelines for the Development of Policies and Procedures for Managing Student Behaviors in Emergency Situations.

The Office of Special Education Instructional Services is grateful to the administration and staff within the Department of Education, and to special educators in school divisions, who assisted with this project through research, policy analysis, program coordination, support, and editing. Also vital to this project has been the support of administrative staff and consultants who have assisted in ensuring the timely and efficient development of these guidelines.

For additional copies, refer to the Virginia Department of Education Web site  
[www.doe.virginia.gov/VDOE/sess/](http://www.doe.virginia.gov/VDOE/sess/)

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## **Philosophy**

Each child is valued as a contributor in the education process and schools must ensure that children are treated with respect and dignity and that the learning environment is safe for all students and staff. When there is a need to manage aggressive or violent behavior of students in emergency situations, there must be a balance between maintaining an effective and safe learning environment for children and school staff and safeguarding the rights and protections of students. Each school division should have policies and procedures to address behaviors that may disrupt the educational process.

A school division should ensure that any behavior management techniques used are appropriate. **Where possible, less restrictive measures should be used initially, and no intervention should remove a student from the learning environment for unreasonable or unnecessary periods.** When the behaviors have been addressed, returning the student to the learning environment is paramount.

## **Background**

The purpose of guidelines for policy and procedure development is to provide information to school divisions that will help them ensure that each student participating in a Virginia public education program is educated in a safe environment. Also, local policies should ensure that when behaviors need special intervention, students are free from the unreasonable use of physical restraint and seclusion. **Physical restraint and seclusion should only be used in emergency situations, when other less intrusive alternatives have failed.** Corporal punishment and abusive techniques are not authorized, permitted or condoned in Virginia's public schools. Corporal punishment is expressly prohibited by the Code of Virginia, §22.1-279.1<sup>3</sup>

School divisions must ensure that any action taken does not violate constitutional protections, especially in terms of an individual's due process rights, and that policies, developed contain assurances of students' rights. All federal and state statutes, and any implementing regulations, must be considered when setting forth requirements for using physical restraint and seclusion. Virginia's public schools are guided by the Code of Virginia relative to discipline in Section 22.1-276 et seq. and by regulations set forth by the Board of Education in 8VAC20-80-10 relative to students with disabilities. Neither the statutes nor the regulations authorize the use of any abusive techniques or interventions with students in Virginia's public schools. Relevant statutes and regulations are provided in Appendix D.

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<sup>3</sup> See terminology section of this document. Also, see the full text of the definition of corporal punishment in Appendix D relative to public schools. Also, see the regulations of Mental Health, Mental Retardation, and Substance Abuse Services at 12VAC35-105 relative to prohibited actions that include corporal punishment, deprivation of appropriate services, and application of aversive stimuli, and 12VAC105-20 for related definitions.

Several Virginia school divisions have already addressed the legal requirements and ramifications of using procedures to manage student behavior and have written policies, local regulations and best practice documents. However, a survey conducted in January 2004, by the Virginia Department of Education, in collaboration with the State Special Education Advisory Committee (SSEAC), suggested a need for assistance in writing policies and procedures on physical restraint and seclusion.<sup>4</sup> Accordingly, these guidelines are provided for school divisions that may desire guidance as they develop their policies and procedures or review existing documents.

### Relevant Terminology

For the purposes of this document, the following terms and definitions are provided. These terms and definitions may be useful in reviewing, developing, or revising local school division policies and procedures for managing student behaviors. Where available, definitions are cited from existing laws, regulations and technical assistance resources. Accordingly, the majority of the definitions in this section are cited in the glossary section of a Virginia Department of Education technical assistance resource document entitled *Discipline Of Students With Disabilities*, December 2000.

**Abused or neglected child** means any child less than 18 years of age whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions...; or whose parent or other person responsible for his care neglects or refuses to provide care necessary for his health...; or whose parents or other person responsible for his care abandons such child; or whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law; or who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent or guardian, legal custodian or other person standing in loco parentis. See §63.2-100 of the Code of Virginia for the full text of the definition of the term "abused or neglected child."

**Aversive Intervention** means any action used to punish a student or to eliminate, reduce, or discourage the problem behavior by use of any of the following, many of which are prohibited by the Code of Virginia:

- Noxious odors and tastes
- Water and other mists or sprays
- Blasts of air
- Corporal punishment as defined in Section 22.1-279 of the Code of Virginia
- Verbal and mental abuse

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<sup>4</sup>This survey focused specifically on whether or not the divisions had policies and procedures regarding the use of physical restraint and seclusion, the frequency and prevalence of the use of these interventions, and the training in behavioral techniques provided to personnel.

- Placement of a student alone in a room, where the door is locked or held shut and the student is prevented from leaving the room
- Forced exercise where
  - the student's behavior is related to his/her disability,
  - the exercise would have a harmful affect on the student's health, or
  - the student's disability prevents participation in activities
- Deprivation of necessities including
  - food or liquid at a time when it is customarily served
  - medication, or
  - use of restroom

**Behavioral Intervention Plan (BIP)** means a plan that utilizes positive behavioral interventions and supports to address behaviors that interfere with the learning of a student, the learning of others, or require disciplinary action.

**Business day** means Monday through Friday, 12 months of the year, exclusive of federal and state holidays (unless holidays are specifically included in the designation of business days).

**Calendar day** means consecutive days, inclusive of Saturdays, Sundays, and officially designated holidays at the school division level. Whenever any period of time expires on Saturday, Sunday, or school holiday, the period of time for taking such action is extended to the next day, that is not Saturday, Sunday, or school holiday.

**Corporal Punishment** means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline. (A full definition can be found in Appendix D.)

**Emergency** means a situation that requires a person(s) to take immediate action to avoid harm, injury, or death to a student or to others, or to avoid substantial property damage.

**Exclusion** means the removal of a student to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction including special education, related services, or support.

**Functional Behavioral Assessment (FBA)** means the systematic process of gathering information to guide the development of a positive, effective, and efficient behavioral intervention plan for a problem behavior. The process includes:

- a description of the problem behavior,
- the identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time, and
- the determination of the underlying cause or functions of a student's behavior that impede the learning of the student with a disability or the learning of the student's peers.

**General curriculum** means the curriculum adopted by a school division, schools within the school division, or where applicable the Virginia Department of Education, for all students from preschool through secondary school. The term relates to the content of the curriculum and not to the setting in which it is taught. It includes vocational education. Courses in the general curriculum maintain their curriculum integrity even when provided to students with disabilities.

**Long-term removal** means suspension of a student with a disability to an alternative setting for more than 10 consecutive school days in a school year; or, when the student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year.

**Physical Restraint** means the use of approved physical interventions or "hands-on" holds by trained staff to prevent a student from moving his/her body to engage in a behavior that places him/her or others at risk of physical harm. Physical restraint does not include:

- briefly holding a student in order to calm or comfort the student; or
- holding a student's hand or arm to escort the student safely from one area to another.

**Removal** means excluding the student from the place where current educational services are provided.

**School day** means any day, including a partial day, that students are in attendance at school for instructional purposes. The term has the same meaning for all students in school, including students with and without disabilities.

**Seclusion** means the confinement of a student alone in a room from which the student is physically prevented from leaving.

**Short-term removal** means suspending a student with a disability to an alternative setting for 10 school days or less in a school year. It also applies to removals when the cumulative amount is 10 school days, but not consecutive, and does not constitute a pattern or change of placement.

**Time-out** means assisting a student to regain control by removing the student from his immediate environment to a different, open location until the student is calm or the problem behavior has subsided. In some instances, the student may self-select this procedure.

### **Local Policy Analysis and Development Process**

Each school division should begin the policy analysis process by examining all existing local policies that govern behavioral management techniques. In some instances, a division may have policies in place to address the policy content discussed herein.



However, some divisions may desire to revise or extend their policies.<sup>5</sup> A policy review process will allow the division to update information and clarify matters as necessary.

**While policy review and development at the local level is based on local discretion, input from stakeholders may be useful.** As a method of gaining input, the division could convene a stakeholders committee to discuss the management of student behavior.<sup>6</sup> This committee may provide information, and help design and review procedures for the implementation of the policy requirements. Its composition could include, but not be limited to:

- Parents
- Student representatives
- Special education directors
- Crisis intervention staff
- School safety/resource officers
- Discipline coordinators
- Central office administrators
- Building principals
- Regular and special education teachers
- Psychologists
- Social Workers
- Guidance Counselors

In analyzing local policies and procedures, a school division could consider some of the issues that arise through frequently asked questions, such as the following;

- What if the usual behavioral/discipline measures do not seem effective?
- What if the behaviors of a few students interfere with the entire learning process and the classroom procedures?
- What if extremely inappropriate behaviors are exhibited?
- What if a student exhibits behavior that endangers himself/herself or others?
- How does an administrator, teacher, or support person address these matters?
- How does a teacher or other staff intervene?
- When and how does a teacher or staff person learn how to intervene?
- What are the legal limits and parameters of interventions?
- What policy sections are relevant to certain behaviors?
- If a new or revised policy is necessary, what is the process for development?
- How long would it take for a school board to review or revise its policy on physical restraint and/or seclusion?

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<sup>5</sup> The results from the survey conducted by the SSEAC regarding the extent to which divisions had policies that addressed physical restraint and seclusion indicated that several divisions were without such policies.

<sup>6</sup> This stakeholders committee would be strictly for the purpose of reviewing [not developing] division policy and assisting by communicating to appropriate administrators any issues that would impact the use of physical restraint and seclusion. This committee is different from the review committee that would receive and investigate complaints and incident reports when the policy is actually implemented.

## **The Local Division Policies and Procedures<sup>7</sup>**

School divisions should have written policies and procedures that include, but are not limited to:

- Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student,
- Methods for identifying child abuse and/or neglect and the reporting requirements for such occurrences,
- A policy clearly stating that corporal punishment and abusive techniques and interventions are not authorized, permitted, or condoned in Virginia's public schools,
- A policy stating that corporal punishment is prohibited by state law, as well as the identification of the consequences prescribed by law,
- A policy regarding physical restraint provides:
  - a determination of the behavior management program adopted by the school division and advising parents and students of the program<sup>8</sup>
  - a description and explanation of the school division's or program's criteria for the use of physical restraint
  - a statement that the use of physical restraint is allowed only in emergency situations
  - the conditions under which physical restraint is allowed<sup>9</sup>
  - training and certification requirements
  - incident reporting requirements
  - follow-up procedures after each incident
  - a procedure for receiving and investigating complaints regarding the use of physical restraint, and
  - a statement of how and when the parents will be informed of each occurrence of physical restraint.

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<sup>7</sup> See Appendix C for a sample format for a policy. This sample format is not considered a model to be duplicated without considering the particular needs of the school division. It is not intended to supplant or replace any existing policy, but rather to provide a structure for divisions that will be developing new or revised policies.

<sup>8</sup> No particular behavior management program is recommended or endorsed by the Virginia Department of Education. The selection of a behavior management program is a school division decision.

<sup>9</sup> Examples of severe behavior requiring interventions are provided for training purposes, in various behavior management programs.

- A policy regarding the use of seclusion that provides:
  - a description and explanation of the school division's or program's criteria for the use of seclusion,
  - a statement that the use of seclusion is allowed only in emergency situations,
  - the conditions under which seclusion is allowed,<sup>10</sup>
  - training requirements,
  - room and monitoring requirements,
  - incident reporting requirements,
  - follow-up procedures after each incident,
  - a procedure for receiving and investigating complaints regarding the use of seclusion, and
  - a statement of how and when the parents will be informed of each occurrence of seclusion.
- A policy identifying corrective measures to be followed when a review reveals improper implementation procedures.
- A policy statement assuring the provision of students' rights

### **Policy Adoption**

If a stakeholders' committee is proposing an addition to or a change in a policy, it should be aware of the local policy adoption process, the timelines needed to complete all phases of the adoption process, and the steps involved.

### **Training and Staff Development**

Each principal or program administrator should determine a time and method to ensure that all staff, personnel, parents, and students are familiar with the school division's policies and procedures regarding the use of behavior management techniques, physical restraint, and seclusion in emergency situations.

The school division should ensure that everyone concerned has information on these interventions, and should decide who needs to receive specific training. Training should occur within the first month of each school year for all staff and, for employees hired after the school year begins, within one month of their employment. Periodic in-service training should be scheduled to update information and to give staff an opportunity to practice and enhance skills. Attendance at each training should be documented. At a minimum, training should include information on the following:

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<sup>10</sup> Examples of severe behavior requiring interventions are provided for training purposes, in various behavior management programs.

- the identification and implementation of the behavior management program(s) adopted by the school division.
- procedures to be followed when informing students and parents of the adopted program and the implementation procedures,
- the local policies on the use of behavior management techniques, physical restraint, and seclusion,
- interventions and alternatives that may preclude the need for physical restraint and seclusion, e.g. de-escalation of problematic behavior,
- procedures to be followed when physical restraint or seclusion is necessary,
- related safety considerations, including information regarding the increased risk of injury to a student when physical restraint is implemented or a student is secluded,
- administering physical restraint and implementing seclusion procedures in accordance with established medical or psychological limitations and when applicable, as specified in a student's Behavioral Intervention Plan (BIP),
- identification of staff who have received training and are certified to administer procedures in the use of physical restraint and seclusion, and
- procedures to be followed when documenting and reporting incidents of physical restraint or seclusion to parents and school administration.

School divisions should develop policies and procedures regarding the amount of training that identified staff will need to administer physical restraint and seclusion effectively and safely while also protecting and respecting the dignity and rights of the individual student involved. The training should include, but not be limited to:

- specific instruction to meet licensure/certification requirements of individual behavior management programs,
- strategies and techniques for de-escalation,
- clearly identifiable conditions under which physical restraint and seclusion are allowed,
- procedures to be followed when physical restraint and seclusion are implemented,

- opportunities to practice through simulations, prior to actual use,
- demonstrations of proficiency in administering physical restraint and implementing seclusion procedures,
- instruction on the effects of physical restraint and seclusion on the student involved, monitoring for physical signs of distress, and procedures for obtaining medical assistance,
- instruction regarding incident documentation and reporting requirements, and the procedures for investigating injuries and complaints, and
- annual and periodic in-service training scheduled to update, practice and enhance skills.

### **Policy Implementation and Monitoring**

When a policy has been drafted and approved, whether existing, revised, or new, that policy is implemented through the division's procedures and any related methods for monitoring the use of those procedures.<sup>11</sup> Essential to this process are:

- ensuring that proper documentation exists,
- ensuring that reporting requirements are in place and are properly used,
- ensuring training of building and program staff on the policies and procedures,
- investigating incidents, and
- resolving complaints.

### **Documentation**

In the documentation process, each incident report would require at a minimum:<sup>12</sup>

- the circumstances under which physical restraint or seclusion occurred,
- a description of the incident, including the date, time, location of incident, persons involved partially and fully, and other relevant details,
- a justification statement setting forth why physical restraint, seclusion, or other behavioral interventions were necessary,

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<sup>11</sup> The school division should consult the school board attorney for a review of its implementation and monitoring procedures.

<sup>12</sup> Multiple behavioral interventions should not be merged into a single report.

- a substantial explanation why less intrusive interventions were deemed inappropriate or inadequate, and<sup>13</sup>
- a comprehensive list of persons who must be informed or notified of the incident.

### Reporting

In the reporting process the procedures would include at a minimum:

- the procedures for informing school/program administration,
- the procedures for informing parents, and
- the procedures for transmitting the report to a review committee where a determination would be made on whether the school division's policies and procedures have been followed.

### Investigation of Injuries and Complaints

School divisions should develop policies and procedures that detail the process by which injuries and/or complaints are investigated and reported to local authorities, if required by law. The policies and procedures should address injuries and complaints filed by all parties, including educational professionals, parents, and students. It is essential that all injuries, incidents, accidents, or other related activities be fully documented at the time they occur. In any complaint process, it is essential that all parties involved be identified, the time of actions be recorded fully, the events and behaviors preceding the incident be investigated, and any other relevant data or evidence be documented. Copies of documentation of incidents should be maintained in the appropriate records and provided to the school and the central administration as set forth in division policy or as otherwise required by the school division or by law. School administration should ensure that any incidents with special reporting requirements are promptly reported and appropriately documented.

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<sup>13</sup> See Appendices A and B for sample reporting forms that include the required elements of an incident report.

# Appendices

## APPENDIX A

### SAMPLE FORM - Emergency Use of Physical Restraint

<b>Report of Incident</b>  <i>Submit to a designated administrator within 24 hours of the occurrence of the incident.                  Multiple behavioral interventions cannot be merged into a single report.</i>
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<b>Student Name</b>	
<b>Grade</b>	<b>Date of Birth</b>
<b>School</b>	<b>Date of Report</b>
<b>Person Completing Form</b>	<b>Position</b>

**Physical Restraint was used: (Check all boxes that apply)**

- ☐ after less intrusive interventions had failed. List interventions tried.
  
- ☐ after less intrusive interventions were deemed inappropriate or inadequate. This decision is substantiated by the following explanation:
  
- ☐ in an emergency situation:
  - ☐ an emergency situation existed that necessitated the use of physical restraint due to immediate threat of harm to:
    - ☐ self   ☐ others   ☐ property
  
  - ☐ physical restraint was used only for the time period that was necessary to contain the behavior of the student so that the student no longer posed an immediate threat of causing physical injury to self or others or causing severe property damage
  
  - ☐ physical restraint was implemented in accordance with all school division and/or program policies and procedures for physical restraint



**Appendix A continued**

- ☐ **the force used in the application of physical restraint did not exceed the force that was reasonable and necessary under the circumstances precipitating the use of physical restraint**

**Date of Incident:** \_\_\_\_\_

**Location of Incident** \_\_\_\_\_

**Identify and Document Behavior Management Program Used During Incident** \_\_\_\_\_  
\_\_\_\_\_

**Time physical restraint began:** \_\_\_\_\_

**Time physical restraint ended:** \_\_\_\_\_

**Name(s) of person(s)**

**Involved** \_\_\_\_\_  
\_\_\_\_\_

**Detailed Description of Incident: (Continue on back of this sheet if needed)**

**School/Program Administrator notified. Date** \_\_\_\_\_ **Time** \_\_\_\_\_

**Parent/Guardian notified. Date** \_\_\_\_\_ **Time** \_\_\_\_\_

**Date and Document All Follow-up Actions**

\_\_\_\_\_  
\_\_\_\_\_

**Copy to Student File**

**Copy to Parent/Guardian**

**Copy to Review Committee**

## APPENDIX B

### SAMPLE FORM -Emergency Use of Seclusion

<b>Report of Incident</b>  <i>Submit to a designated administrator within 24 hours of the occurrence of the incident.                  Multiple behavioral interventions cannot be merged into a single report.</i>
---

<b>Student Name</b>	
<b>Grade</b>	<b>Date of Birth</b>
<b>School</b>	<b>Date of Report</b>
<b>Person Completing Form</b>	<b>Position</b>

**Seclusion was used: (Check all boxes that apply)**

- ☐ **after less intrusive interventions had failed. List interventions tried.**
  
- ☐ **after less intrusive interventions were deemed inappropriate or inadequate. This decision is substantiated by the following explanation:**
  
- ☐ **in an emergency situation:**
  - ☐ **an emergency situation existed that necessitated the use of seclusion due to immediate threat of harm to:**
  - ☐ **self    ☐ others    ☐ property**
  
  - ☐ **seclusion was used only for a time period that was necessary to contain the behavior of the student so that the student no longer posed an immediate threat of causing physical injury to self or others or causing severe property damage**
  
  - ☐ **seclusion was implemented in accordance with all school division and/or program policies and procedures for seclusion**
  
  - ☐ **the force used in the application of seclusion did not exceed the force that was reasonable and necessary under the circumstances precipitating the use of seclusion.**

**Appendix B continued**

**Date of Incident:** \_\_\_\_\_

**Location of Incident:** \_\_\_\_\_

**Identify and Document Behavior Management Program Used During this Incident**

\_\_\_\_\_

**Location and Description of Seclusion Environment**

\_\_\_\_\_

**Time seclusion began:** \_\_\_\_\_

**Time seclusion ended:** \_\_\_\_\_

**Name(s) of person(s)  
involved** \_\_\_\_\_

\_\_\_\_\_

**Detailed Description of Incident: (Continue on back of this sheet if needed).**

**Detailed Description of Behavior in Seclusion: (Continue on back of this sheet if needed).**

**School/Program Administrator notified. Date** \_\_\_\_\_ **Time** \_\_\_\_\_

**Parent/Guardian notified. Date** \_\_\_\_\_ **Time** \_\_\_\_\_

**Date and Document All Follow-up Actions**

\_\_\_\_\_

\_\_\_\_\_

**Copy to Student File**

**Copy to Parent/Guardian**

**Copy to Review Committee**

## **APPENDIX C**

### **Positive Policy<sup>14</sup> for the Management of Student Behaviors in Emergency Situations**

Positive County public schools  
Positive County, Virginia

#### **Policy Number 1111**

Date of Adoption by Positive School Board – Month, Day, and Year

Effective Date for Implementation – Month, Day, and Year

#### **Statement of Philosophy**

The Positive County public schools believe that every child is valued as a contributor in the education process and school staff must ensure that children are treated with dignity, respect, and special care. When there is a need to manage aggressive and violent student behaviors in emergency situations in the school setting, there must be a balance between ensuring practices that maintain an effective learning environment and those procedures that safeguard the rights and protections of students and staff. This balance should be reflected in policies that include processes and procedures ensuring that when behaviors need special intervention, students are free from the unreasonable use of physical restraint, seclusion, and any other intervention methods that may not be the least restrictive intervention. The use of abusive interventions are not authorized, permitted, or condoned in the public schools of Virginia and the Positive County public schools. Corporal punishment is expressly prohibited by law.

#### **Purpose**

The purpose of this policy is to provide information to all persons working with children within the Positive County public schools on how violent and aggressive student behaviors in emergency situations are to be managed. The policy addresses the division's philosophy, expectations, and procedures for the systematic management of the full range of student behaviors. Also, the policy will focus on the processes to occur when extreme behaviors are presented, and the procedures staff must follow to ensure that incidents are properly documented, recorded, and reported to appropriate school officials and parents.

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<sup>14</sup> This policy will outline all the policy statements and procedures developed by Positive County public schools for managing student behaviors in emergency situations in the school division. Input to the policy development could be sought from representatives of parents, special education director, crisis intervention staff, school safety officers, discipline coordinators, central office administrators, building principals, student representatives, regular and special education teachers, and relevant support staff such as school nurses, social workers, psychologists, etc.

## **Appendix C continued**

### **Policy Content and Procedures for Managing Behavior<sup>15</sup>**

Procedures for managing behavior in Positive County public schools will be written, training will be provided, and policy implementation will be monitored regarding;

- the prevention of student violence, self-injurious behavior, and suicide,
- the prohibition of certain behavioral interventions in Positive County's public schools,
- the use and applicability of physical restraint,

An example of a policy statement regarding physical restraint could be:

The use of physical restraint in managing severe student behavior is prohibited for all personnel employed by the school division or program or any other person working in the school division or program unless:

- there is an emergency situation and physical restraint is necessary to protect the student or another person, after other less intrusive interventions have been attempted and failed to manage that particular behavior and there is a substantial explanation for why other interventions were deemed inadequate or inappropriate,
  - a Behavioral Intervention Plan (BIP) exists that states physical restraint may be used,
  - the student's parents have provided informed and voluntary consent in writing for the use of physical restraint,
  - the physical restraint is used only for a period of time that is necessary to contain the behavior of the student, so that the student no longer poses an immediate threat of causing physical injury to himself or others or causing severe property damage, and
  - the use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of the physical restraint
- the use and applicability of seclusion,

An example of a policy statement regarding seclusion could be:

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<sup>15</sup> This sample policy gives content headings. Each school division should develop the content for each of these headings, to reflect the individual needs of the school division. The school division can consult the Guidelines for the Development of Policies and Procedures for Managing Student Behaviors in Emergency Situations developed by the Virginia Department of Education for content for the policy.

## Appendix C continued

The use of seclusion in managing severe student behavior is prohibited for all personnel employed by the school division or program or any other person working in the school division or program unless;

- there is an emergency situation and seclusion is necessary to protect a student or another person, after other less intrusive interventions have been attempted and failed to manage that particular behavior, and there is a substantial explanation for why other interventions were deemed inadequate or inappropriate,
  - members of the school staff are trained in behavior management programming,
  - a Behavioral Intervention Plan (BIP) exists that states seclusion may be used,
  - the student's parents have provided informed and voluntary consent in writing for the use of seclusion,
  - the seclusion is used only for a period of time that is necessary to contain the behavior of the student so that the student no longer poses an immediate threat of causing physical injury to himself or others or causing severe property damage, and
  - the use of force in the application of seclusion does not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of the seclusion.
- 
- the use and applicability of other behavioral interventions,
  - the specific training and staff development to be provided to Positive County public schools' faculty and staff on the use and applicability of this policy and its content (Policy 11111),
  - the documentation and reporting requirements of this policy,
  - the investigation of injuries and complaints,
  - the use of the incident forms adopted by Positive County public schools, and
  - the safety and protection of the student during school emergencies and during the implementation of physical restraint and seclusion procedures.

## **Methods and Procedures for Policy Implementation**

Each principal of a school or school facility will ensure that the faculty and staff have been fully trained in the requirements of this policy. This policy statement will be made readily accessible in each school building for immediate review should incidents arise requiring the management of violent and aggressive student behaviors in emergency situations.

Appendix C continued

Each principal will maintain a record of all incidents when this policy has been implemented and will make a report to the school board as requested.<sup>16</sup>

Presented to the Positive School Board on \_\_\_\_\_

Reviewed by the Positive School Board on \_\_\_\_\_

Adopted by the Positive School Board on \_\_\_\_\_

Effective/Implementation Date \_\_\_\_\_

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<sup>16</sup>The reporting requirements on the implementation and/or use of the policy should be considered by the committee developing the school division's local policy and should be incorporated if deemed appropriate or helpful.

## **Appendix D**

### **Statutes, Regulations, and Technical Assistance Documents Relative to Physical Restraint and Seclusion in Virginia's Public Schools**

These references are provided as resource materials which may be helpful in reviewing, revising, and writing policies and procedures on physical restraint and seclusion. They delineate the responsibilities and limitations of some of the many agencies that provide services to Virginia's children.

- **Corporal Punishment. Section 22.1-279 of the Code of Virginia prohibiting corporal punishment was repealed and was replaced by section 22.1-279.1**

The full text of section 22.1-279.1 is as follows:

- A. No teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth shall subject a student to corporal punishment. This prohibition of corporal punishment shall not be deemed to prevent (I) the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property; (iii) the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) the use of reasonable and necessary force for self-defense or the defense of others; or (v) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control.
- B. In determining whether a person was acting within the exceptions provided in this section, due deference shall be given to reasonable judgments at the time of the event which were made by a teacher, principal, or other person employed by a school board or employed in a school operated by the Commonwealth.
- C. For the purposes of this section, "corporal punishment": means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline.

This definition shall not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control as permitted in subdivision (I) of subsection A of this section or the use of reasonable and necessary force as permitted by subdivisions (ii), (iii), and (v) of subsection A of this section, or the participation



Appendix D continued

in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

- 12 VAC 35-105 is entitled Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services. This is a regulation of the Department of Mental Health, Mental Retardation, and Substance Abuse Services, the regulatory agency and administrative authority for facilities providing mental health services, provides the definitions that apply to that agency.
- 12 VAC 35-105-820 delineates prohibited actions and among them are:
  - corporal punishment;
  - deprivations of opportunities for bathing or access to toilet facilities;
  - applications of aversive stimuli; and
  - deprivation of drinking water or food.
- 12 VAC 35-115 is entitled Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services.
- Title 37.1 of the Code of Virginia. Institutions for the Mentally Ill; Mental Health Generally.
- The Individuals with Disabilities Education Act and its reauthorized provisions.
- Title 22.1 of the Code of Virginia.
- Virginia Department of Education, *Discipline of Students with Disabilities*, December 2000.
- Section 63.2.100 of the Code of Virginia for definitions of abused and neglected child.
- Section 22.1-291.3 for Notice of Duty to Report Child Abuse or Neglect.

Each public school board and each administrator of every private or parochial school shall post, in each of their schools, a notice, pursuant to §63.2-1509, that: (i) any teacher or other person employed in a public or private school who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee; and (ii) all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

## **Appendix E**

### **State Special Education Advisory Committee (SSEAC) Subcommittee on Physical Restraint & Seclusion**

- Dr. J. David Martin, Division Superintendent, Fauquier County Public Schools Warrenton, Co-chair of the Sub-Committee on Physical Restraint & Seclusion
- \* Dr. Kevin Sutherland, Assistant Professor, Virginia Commonwealth University, Richmond, Co-chair of the Sub-Committee on Physical Restraint & Seclusion
- Ms Heidi Lawyer, Parent, Virginia Board for People with Disabilities, Richmond
- Mrs. Shirley G. Ricks, Director, Children and Family Services, DMHMRSAS
- \* Mr. J. Stan Boren, Principal, Saratoga School, Springfield
- \* Ms. Karen Tompkins, Grafton School, Richmond
- Ms. Cindy Mills, The Barry Robinson Center, Norfolk
- Dr. Michael M. Behrmann, Kellar Professor of Special Education, George Mason University
- Reverend Charles Swadley, Ex-Officio
- Irene Walker-Bolton, Specialist, Office of Special Education Instructional Services, Liaison to the Subcommittee

\* Former members of the SSEAC



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in employment or provisions of service.*